

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JAMES IVY DAVIS,

Petitioner,

No. 02:12-cv-01743-ST

v.

MR. NOOTH, MARCK,  
Mr. Superintendent Nooth,

ORDER

Respondent.

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings & Recommendation (#75) on February 17, 2015, in which she recommends the Court deny Petitioner's Petition for Writ of Habeas Corpus and decline to issue a Certificate of Appealability.

Petitioner has timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).


I have carefully considered Petitioner's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings & Recommendation [75], and therefore, Petitioner's Petition for Habeas Corpus [1] is denied and no Certificate of Appealability shall issue because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 5 day of April, 2015.

  
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MARCO A. HERNANDEZ  
United States District Judge